

**South Carolina Board of Long Term Health Care Administrators**  
**10:00 A.M., Thursday, December 16, 2010**  
**Synergy Business Park**  
**Kingstree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, South Carolina**

**MINUTES**

**Call to Order**

Dan McLeod, chairman, of Greenville, called the regular meeting of the Board of Long Term Health Care Administrators to order at 10:31 a.m. Other members present for the meeting included: David Buckshorn, vice chairman of Greenwood; Pam Dukes, of Columbia; Ken Hiatt, of Fairfax; Marvin Hyatt, of Rock Hill; Julius 'Sonny' Kinney, Jr., of Anderson; and Nikki Robertson, of Little River.

Staff members participating in the meeting included: Lee Ann Bundrick, RPh, Administrator; Marilyn Crouch, Administrative Assistant, Sandra Dickert, Administrative Assistant; Dean Grigg, Hearing Advice Counsel; Lil Ann Gray, Litigating Attorney; Tracey McCarley, Education Coordinator; and Yolanda Rodgers, Investigator, Office of Investigations and Enforcement.

Mr. McLeod announced that this meeting was held in accordance with Section 30-4-80 of the S.C. Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations or news media. In addition, notice was posted on the bulletin boards located at the main entrances of the Kingstree Building.

**Introduction of Board Members and All Other Persons Attending**

The Board members introduced themselves.

**Consideration of excuses for absences of Board Members**

All members were present.

**Adoption of Agenda**

**MOTION**

Mr. Kinney made a motion the Board adopt the agenda as presented. Mr. Buckshorn seconded the motion which carried.

**Chairman's Remarks**

Mr. McLeod made no remarks at this time.

**New Business**

**Committee Reports**

1. Investigative Review Committee

The IRC met on November 18, 2010 and discussed seven cases. The IRC is recommending two cases for dismissal, one case for a formal complaint, and four cases for dismissal with letters of caution.

Dismissal

**MOTION**

Mr. Kinney made to approve the IRCs recommendation of the cases for dismissal. Mr. Hyatt seconded the motion which carried unanimously.

## Formal Complaint

### **MOTION**

Mr. Kinney made a motion the Board approve the IRCs recommendation regarding the case for formal complaint. Mr. Hyatt seconded the motion which carried unanimously.

## Dismissal with Letters of Caution

### **MOTION**

Mr. Hyatt made a motion the Board approve the IRCs recommendations regarding the cases for dismissal with letters of concern. Mr. Kinney seconded the motion which carried unanimously.

### 2. Credentials Committee

The Credentials Committee report reflects as of November 23, 2010 10 candidates approved for NHA licensure, 15 candidates approved for CRCFA licensure, and one candidate approved for dual licensure. It also reflects that as of November 23, 2010 there are currently three NHA provisional licensees, 14 CRCFA provisional licensees, and one dual provisional licensee. The report states that between September 2, 2010 and November 23, 2010 five NHA licenses were issued, eight CRCFA licenses were issued, and two dual licenses were issued. Since January 1, 2010 19 NHA licenses have been issued, 36 CRCFA licenses have been issued and 11 dual licenses have been issued.

### 3. Education Committee

The Education Committee report reflects that between September 2, 2010 and November 22, 2010 the committee approved 44 sponsor continuing education applications and 26 administrator applications. Since July 1, 2010 the committee has approved 136 sponsor continuing education applications and 108 administrator continuing education applications.

The committee also included a list of the approved continuing education programs.

### 4. AIT Committee

#### 1. AIT Committee Meeting

Mr. Kinney stated he chaired the committee meeting on October 7, 2010. He noted Mr. Buckshorn, Mr. Hyatt, Mrs. Bundrick, Ms. Calhoun, Vickie Moody and Randy Lee attended the meeting. He noted a productive discussion in regard to enhancing and improving the AIT and preceptor programs. The committee is in the process of contacting Lander University, USC, Winthrop University and Clemson University in regard to having programs within these schools so the AITs could obtain training while completing their degree. The committee is looking for funding, possibly through the civil monetary fines collected from the facilities by the State, to assist in training of long term care administrators.

Mr. Kinney stated the committee is proposing that the administrators of facilities with a certain amount of beds be allowed to train two or three AITs.

Mrs. Bundrick stated this matter would be included in the discussion under the next agenda item. She noted Ms. Calhoun researched the matter and found it would be 130 beds.

Mr. Kinney stated the committee is proposing the following continuing education policy for AIT preceptors:

Preceptors may obtain CE hours while training AIT(s) candidates. A Preceptor, who trains an AIT for 6 months, would receive 15 CE hours and for 9 months

training, receive 20 CE hours for one time, if the preceptor trains an AIT for 6 months and trains another AIT for 9 months, then they would receive 35 hours, with five additional hours in a classroom setting. This would not exclude them from getting the remainder of the required CE hours in a classroom setting to meet the required 40 CE hours to renew their license.

**MOTION**

Mr. Hyatt made a motion the Board accept the policy. Ms. Robertson seconded the motion which carried unanimously.

2. AIT Committee Report

Mr. Buckshorn briefed the Board regarding the AIT Committee report. The report reflects one new preceptor has been certified since the last Board meeting and four administrators interested in training as preceptors are pending training with the Board. Three individuals are currently in an AIT training program and three individuals have completed AIT training since the last Board meeting.

Mr. Buckshorn stated the members should have received an updated list of preceptors. He noted sometimes it is difficult to maintain the list as the preceptors will move and not notify staff of the change in address.

Mrs. Bundrick stated Regulation 90.83(D) states:

D. The preceptor shall meet the following criteria:

1. Currently licensed in this state;
- 2.(a) The Nursing Home Administrator preceptor must have been licensed for the previous three years;
- (b) The Community Residential Care Facility Administrator must have been licensed for the previous two years;
3. Have no disciplinary sanctions against the license;

Mrs. Bundrick stated Regulation 90.83(4)(a) states

The Nursing Home Administrator preceptor must be employed as the administrator of record in a facility licensed under the regulations promulgated by the Department of Health and Environmental Control and demonstrate knowledge of third party funding programs.

Mrs. Bundrick stated she believes the Board wants to change that language and that appropriate language would be needed.

**MOTION**

Ms. Robertson made a motion that the committee address creating verbiage. Mr. Hyatt seconded the motion which carried unanimously.

5. Draft Legislation-NHA AIT Preceptor

Mrs. Bundrick stated the committee has developed a proposal to change Section F regarding the 130 beds. She is recommended that if the Board wants to change the language regarding the administrator of record don't need to approve this draft legislation until language has been developed in regard to the administrator of record.

Mr. McLeod asked that the committee draft language in regard to the administrator of record and that this matter be placed on the agenda for March 3, 2011 meeting.

6. Office Of General Council Report

Mrs. Bundrick stated a statistical report as of November 15, 2010 reflects there are currently five open cases, two pending cases, one case pending a Memorandum of Agreement, two cases pending final order hearings and 21 closed cases.

7. Office of Investigations Report

Ms. Rodgers stated the Office of Investigations and Enforcements has received 27 cases since January 1, 2010. She noted these cases include active investigations, closed investigations, do not open cases, pending investigations and cases pending IRC. She further stated 39 cases have been closed since January 1, 2010 and includes do not open cases as well. She went on to say there are currently 71 active cases which includes active investigations, do not open cases, pending board hearings, pending consent agreements, pending investigations and pending IRC rulings.

Mrs. Bundrick noted some of the 39 closed cases may be cases which were opened in a previous year.

8. Financial Report

Ms. Tracey McCarley stated she is working on a project for the agency. She further stated the agency has converted to a new accounting system which is difficult to understand. She is working on reformatting the report to enable the Board to understand. She went on to say she would have the reformatted report available for the March 3, 2011 meeting.

The Board took this report as information.

9. 2010 NAB Annual Meeting Report

Ms. Dukes and Ms. Robertson briefed the Board regarding the annual meeting.

10. NAB Fiscal Year 2011 Proposed Budget

The NAB 2011 proposed budget was received as information.

11. Reinstatement of Retired license

Mrs. Bundrick stated staff has received letters from two individuals seeking information from the Board as to how to move their NHA license from retired or inactive status to active status. She noted the individuals have been retired five years yet have remained active in the operation of the nursing home in management capacity and have kept up with changes in the regulations of nursing homes and licensure requirements of nursing home administrators. She went on to say the matter is on the agenda to see what fees the individuals would have to pay, if the individuals must retake the state or national exam in lieu of or in addition to completing the required continuing education.

**MOTION**

Mr. Kinney made a motion the individuals not be required to retake exam but they must meet the requirements set forth in the Board's retired license policy for continuing education. Mr. Hyatt seconded the motion which carried unanimously.

12. Legislative Audit Council Letter

Mr. McLeod stated he received a letter from the Legislative Audit Council in November. He stated any member who wished to respond could do so confidentially to Ms. Pruitt of the Legislative Audit Council or through staff.

13. Election of New Officers

**MOTION**

Mr. Hyatt made a motion the Board re-elect the same slate of officers by acclamation. Mr. Kinney seconded the motion which carried unanimously.

Ms. Dukes left the meeting at 11:16 a.m.

14. Board Meeting 2011 Dates

The Board reviewed the proposed meeting dates and accepted the dates as listed.

March 3, 2011

June 2, 2011

September 1, 2011

December 1, 2011

**Applicant Appearance(s)-Approve Recommendations for Licensure**

1. Beverly K. Foraker

During the December 2, 2010 meeting the hearing panel made the recommendation the Board allow Ms. Foraker to sit for the exam.

**MOTION**

Mr. Kinney made a motion the Board allow Ms. Foraker sit for the exam. Mr. Hiatt seconded the motion which carried unanimously.

2. Alaina Paxton

During the December 2, 2010 meeting the hearing panel made the recommendation the Board allow Ms. Paxton to sit for the exam.

**MOTION**

Mr. Kinney made a motion the Board allow Ms. Paxton sit for the exam. Ms. Robertson seconded the motion which carried unanimously.

3. Kelly P. Pruitt

During the December 2, 2010 meeting the hearing panel made the recommendation the Board allow Ms. Pruitt to sit for the exam.

**MOTION**

Mr. Kinney made a motion the Board allow Ms. Pruitt to sit for the exam. Mr. Hyatt seconded the motion which carried unanimously.

4. Derek S. Loyd

During the December 2, 2010 meeting the hearing panel made the recommendation the Board allow Mr. Loyd to sit for the exam.

**MOTION**

Mr. Kinney made a motion the Board allow Mr. Loyd sit for the exam. Mr. Hyatt seconded the motion which carried unanimously.

**Public Comments**

No public comments were made during this meeting.

**Agreement to Relinquish License**

Ms. Gray reviewed the agreement to relinquish license in the matter of Marcia Drewry case # 2008-6.

**MOTION**

Mr. Kinney made a motion the Board accept the agreement to relinquish for Marsha Drewry. Mr. Hyatt seconded the motion which carried unanimously.

**Consent Agreement**

Ms. Gray reviewed the consent agreement in the matter of Laila Bey, case #2009-26.

**MOTION**

Mr. Kinney made a motion the Board accept the consent agreement. Mr. Hyatt seconded the motion which carried unanimously.

**Memorandum of Agreement**

**MOTION**

Mr. Kinney made a motion the Board reopen the hearing. Mr. Hyatt seconded the motion which carried unanimously.

Ms. Robertson recused herself from participating in the discussion and voting in this matter.

During the December 2, 2010 meeting the panel recommended that Mr. Jones' license be reinstated, that he be fined \$1,000.00, that he pay the investigative cost of approximately \$400.00, and that over the next 12 months the investigator be allowed two unannounced visits to the facility at Mr. Jones' expense.

Mr. Kinney briefed the members regarding the panel's discussion during the hearing.

Ms. Gray stated the State agrees with the panel's proposed recommendations; however, the State is also asking that the Board consider, in addition to the panel's recommendations, a public reprimand and that the respondent be required to comply with all state and federal laws and report any and all surveys and or inspections within a specified period of days of completion.

Mr. Grigg advised the Board that it is only able to consider the panel's recommendation at this time since the respondent was not present for the hearing.

**MOTION**

Mr. Kinney made a motion the Board accept the recommendation and the penalty. Mr. Buckshorn seconded the motion which carried unanimously.

**Adjournment**

**MOTION**

There being no further business to be discussed at this time, Mr. Kinney made a motion the meeting be adjourned. Mr. Hyatt seconded the motion which carried unanimously.

The December 16, 2010 conference call meeting of the SC Board of Long Term Health Care Administrators adjourned at 11:50 a.m.

The next meeting of the SC Board of Long Term Health Care Administrators is scheduled for March 3, 2011.